

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JULIO CESAR MENDOZA CHAVEZ,)

Petitioner,)

v.)

ALBERTO GONZALES, Attorney)
General of the United States, et al.,)

Respondents.)

Civil Action No.
05-11379-MLW

THE RESPONDENTS' MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(1), the Respondents move to dismiss this action for lack of subject matter jurisdiction pursuant to the jurisdiction stripping provisions of the REAL ID Act of 2005, Pub. L. No. 109-13, Div. B, 119 Stat. 231 ("RIDA").

In support of this motion, the Respondents submit the attached memorandum of law.

Wherefore, Respondents request that the Petition be dismissed for lack of subject matter jurisdiction.

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

/s/ Mark J. Grady
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Certificate of Compliance

I hereby certify that I contacted counsel for the Petitioner regarding the relief sought by way of this motion.

/s/ Mark J. Grady
Mark J. Grady, Assistant U.S. Attorney